

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

OSVALDO VASQUEZ,

Plaintiff,

vs

9:04-CV-173

DALE ARTUS, Superintendent Clinton Corr. Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

OSVALDO VASQUEZ

Plaintiff, Pro Se

02-A-3226

Central New York Psychiatric Center

P.O. Box 200

Marcy, New York 13403

HON. ELIOT SPITZER

Attorney General of the

State of New York

Attorney for Defendants

Department of Law

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Albany, New York 12224

JAMES B. McGOWAN, ESQ.

Asst. Attorney General

DAVID N. HURD

United States District Judge

DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated March 4, 2005, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the defendant's motion to dismiss be granted and the entire complaint be dismissed. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in whole.

See 28 U.S.C. 636(b)(1).

Accordingly, it is

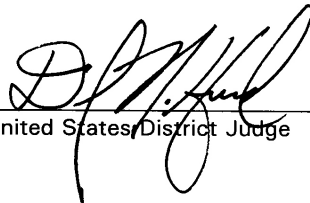
ORDERED that

1. The defendant's motion to dismiss is GRANTED; and
2. The complaint is DISMISSED.

The Clerk is directed to file judgment accordingly.

IT IS SO ORDERED.

Dated: April 19, 2005
Utica, New York.



United States District Judge